IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO : 22214 of 2001

Between:

M/s.Magnacoom (Hyd.,) Private Limited, 203, Pavani Estate, Khairatabad,Hyd.,-04, Rep., by its Director, Sri Atim Gupta.

..... PETITIONER

AND

Bharat Sanchar Nigam Limited, Hyderabad Telecom District, Suryalok Complex, Gun Foundry,Hyd.,-01,Rep., by its G.M.,

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of Mandamus or any other appropriate writ or order or direction (i) declaring the action initiated by the Respondent in No.DE(VAS)/GPABX/GENL/01-02/7 dt.3.8.2001 and No.DE(VAS)/GPABX/GENL/01-02/9 17.8.2001 as illegal and without jurisdiction and set aside the same (ii) further declare that the action of respondent in disconnecting E1 connectivity to the petitioner's EPABX system as illegal, arbitrary and without jurisdiction and accordingly direct the respondent to restore E1 connectivity to the petitioner's EPABX system forthwith.

Counsel for the Petitioner: MR.Y.SRINIVASA REDDY (not present)

Counsel for the Respondent No.: MR.B.NARAYANA REDDY

The Court made the following:

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ORDER:

No representation for the petitioner.

Learned standing counsel for the respondents is ready and contends that this petition has become infructuous, because
the period of licence granted to the petitioner had expired on
27-08-2004 and no further extension of licence was given to him.

Petitioner filed this petition questioning the notices in Lr.No.DE (VAS)/GPABK/GENL/01-02/7, dated 03-08-2001 and Lr.No.DE(VAS)/GPABX/Genl/2002-2002/9, dated 17-08-2001, as illegal and without jurisdiction. Both the notices are only show cause notices and so the right of the petitioner to invoke the jurisdiction of this court on the show cause notices is doubtful.

Since the period of agreement between the petitioner and respondent had already expired and since the respondent says that no further extension is given to the petitioner, the petition is dismissed as infructuous. No costs.

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(C.Y.SOMAYAJULU, J)

Dated April 21, 2005.

YCR

To

1. The General Manager,

Bharat Sanchar Nigam Limited, Hyderabad Telecom District, Suryalok Complex, Gun Foundry,Hyd.,-01.

2. 2 C.D. copies.